

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 885 Manatee County

SPONSOR(S): Steube

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local & Federal Affairs Committee	18 Y, 0 N	Kelly	Rojas
2) Judiciary Committee	15 Y, 0 N	Westcott	Havlicak

SUMMARY ANALYSIS

HB 885 repeals ch. 30961 (1955), L.O.F. (Act), to remove from state law the requirement for the inclusion of a reversion clause in a lease or conveyance of land between Manatee County (County) and a non-profit organization.

The County states that under current law the requirement for a reversion clause harms the value of the County property and harms a non-profit organization's ability to use the property as collateral on bank loans. As such, these problems hurt the County's ability to do better business with non-profit organizations. Repealing this Act will remedy these problems, giving advantage to both businesses and the local government.

The bill does not appear to have an impact on state or local government expenditures or revenues.

HB 885 will take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Chapter 30961 (1955), L.O.F.

The Florida Legislature enacted ch. 30961 (1955), L.O.F. (Act), in 1955. Section 1 of the Act authorizes the Manatee Board of County Commissioners to lease or convey County lands to any non-profit including charitable, educational, religious, scientific, character building, or patriotic organizations, associations, corporations, or trustees.¹ In turn, the leased or conveyed land must be used for educational, religious, scientific, character building, or patriotic purposes. The Act includes the ability to build and improve a current building on the land for non-profit purposes.

Section 2 of the Act authorizes the Manatee Board of County Commissioners to execute all written instruments necessary to complete the non-profit lease or conveyance of property. Section 3 restates the lease or conveyance of County property under the Act shall be only for charitable, educational, religious, scientific, character building, or patriotic uses. This Section also requires a lease or conveyance to include a reversion clause. Thus, if the lease or conveyance does not fall under one of the non-profit categories or the lease or conveyance is no longer in use by the non-profit entity, the County has the right to re-enter and repossesses the land.²

Currently, Manatee County Code codifies provisions of the Act.³ Therefore, under its home rule power, the County may lease or convey County land to a non-profit organization.⁴ Likewise, this lease or conveyance must include a reversion clause to the County if the land is no longer being used for a non-profit organization or a non-profit organization ceases to use the land for a qualifying purpose.

Effect of Proposed Changes

HB 885 repeals the Act, to remove the inclusion of the reversion clause if the County chooses to lease or convey County land to a non-profit organization.

The language in the Act will still be codified in the County's Code. However, by removing this language from state law, the County can amend its Code as the County finds appropriate.

HB 885 will take effect upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Repeals ch. 30961 (1955), L.O.F.

Section 2: Provides for an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 31, 2013

¹ Chapter 30961 (1955), L.O.F.

² *Id.*

³ Manatee County Local Laws, Ch. 1-1, Art. II, Div. 3, Sec. 1-1-48.

⁴ *Id.*

WHERE? *Bradenton Herald*, a daily newspaper of general circulation, published in Bradenton, Manatee County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN? Not applicable.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

n/a.